



United States Attorney
Southern District of New York

MEMO ENDORSED

86 Chambers Street
New York, New York 10007

August 22, 2008

BY FAX

Hon. Frank Maas
United States Magistrate Judge
United States Courthouse
500 Pearl Street, Room 740
New York, New York 10007-1312

APPLICATION GRANTED
SO ORDERED

Re: Benedetto Rocchio v. Astrue
08 Civ. 3796 (JSR) (FM)

Frank Maas
Frank Maas, USMJ 8/25/08

Dear Judge Maas:

This Office represents the Commissioner of Social Security, defendant in this action. I write respectfully to advise the Court of recent events and to request an extension of defendant's time to answer or move with respect to the complaint.

Defendant was served the complaint in this case on May 15, 2008 and the answer was due July 14, 2008. This Office submitted a stipulation to the Court on June 24, 2008, requesting a sixty-day extension of defendant's time to answer, to September 14, 2008, a copy of which is enclosed. Due to an administrative error, the stipulation was submitted to Judge Jed S. Rakoff. I apologize for this error and any inconvenience it caused the Court. In addition, I write respectfully to request the Court's approval of the enclosed stipulation extending defendant's time to answer to September 35, 2008.

Thank you for your consideration of this matter.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

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cc: Benedetto Rocchio, Pro Se

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X
BENEDETTO ROCCHIO, :

Plaintiff, :

- v. - :

STIPULATION AND ORDER

MICHAEL J. ASTRUE, : 08 Civ. 3796 (JSR)
Commissioner of :
Social Security, :

Defendant. :

- - - - - X

IT IS HEREBY STIPULATED AND AGREED, by and between the attorney for the defendant and the plaintiff, pro se, that the defendant's time to answer or move with respect to the complaint in the above-captioned action is extended from July 14, 2008 to and including September 15, 2008. This extension is requested to

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On behalf of
4/24/08
JG

allow the Social Security Administration sufficient time to evaluate its litigation position in this case. No previous extension has been granted in this case.

Dated: New York, New York
June 17, 2008

Benedetto Rocchio

BENEDETTO ROCCHIO
Plaintiff Pro Se
276 Revere Avenue
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Telephone No: (347) 293-8707

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SO ORDERED:

Juli M
UNITED STATES MAGISTRATE JUDGE

8/25/08